

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

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| DAVID VOBORA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No.: 4:10-cv-00810-RWS |
| |) | |
| S.W.A.T.S., a business entity, form |) | |
| unknown; MITCH ROSS, an individual; |) | |
| and DOES 1-30, inclusive, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

MOTION TO DISMISS

Defendants, Anti-Steroid Program, LLC d/b/a S.W.A.T.S ("SWATS") and Mitchell D. Ross ("Ross") (collectively, "Defendants"), by and through the undersigned counsel, respectfully move this Court to dismiss Plaintiff's Complaint against them for lack of personal jurisdiction, pursuant to Federal Rule of Civil Procedure 12(b). In support this Motion, Defendants state the following:

1. SWATS is a limited liability company organized and existing under the laws of the State of Florida. Ross is a resident of the State of Alabama.

2. This Court lacks personal jurisdiction over SWATS and Ross. Plaintiff's alleged claims do not arise out of any activity covered by Missouri's long-arm statute, Mo. Rev. Stat. § 506.500, and the assertion of personal jurisdiction over these Defendants does not comport with the due process requirements of the Fourteenth Amendment to the United States Constitution.

3. The Defendants did not purposely avail themselves of the protections and benefits of Missouri law and lack sufficient minimum contacts with the State of Missouri

to make it fair and reasonable to force them to defend their legal interests here. Personal jurisdiction over SWATS and Ross must be based on their own contacts with the State of Missouri.

4. Defendants submit a Memorandum of Law in Support of this Motion and the affidavit of Mitchell Ross, which are filed herewith and incorporated herein by reference.

WHEREFORE, SWATS and Ross respectfully request that this Court dismiss Plaintiff's Complaint based upon lack of personal jurisdiction.

Respectfully submitted,

THOMPSON COBURN LLP

By /s/ Steven M. Sherman

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Attorneys for Defendants

S.W.A.T.S. and Mitch Ross

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of June, 2010, the undersigned filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing upon all attorneys of record including:

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/s/ Steven M. Sherman